

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEROME MACK,

Plaintiff,

21 CIVIL 8541 (KMK)

-against-

JUDGMENT

J. COLLADO, SUP'T OF SHAWANGUNK
CORRECTIONAL FACILITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 22, 2023, the Court adopts the Report & Recommendation in its entirety. Petitioner's writ of habeas corpus is accordingly dismissed with prejudice. As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability shall not be issued, see 28 U.S.C. § 2253(c)(2); Lucidore v. N.Y. State Div. of Patrol, 209 F.3d 107, 111-12 (2d Cir. 2000), and the Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith, see Coppedge v. United States, 369 U.S. 438, 445 (1962) ("We consider a [petitioner's] good faith... demonstrated when he seeks appellate review of any issue not frivolous."); Burda Media Inc. v. Blumberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citing Coppedge and noting that an appeal may not be taken in forma pauperis if the court certifies in writing that it was not taken in good faith); accordingly, the case is closed.

Dated: New York, New York
September 22, 2023

RUBY J. KRAJICK
Clerk of Court

BY:



Deputy Clerk